



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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SUMMARY COUNCIL MEETING MINUTES

LOCATION: DES Building, Presentation Room
1500 Jefferson Street
Olympia, Washington

MEETING DATE: June 10, 2016

Agenda Items	Committee Actions/Discussion
1. Welcome and Introductions	<p><u>Members in Attendance:</u> Steve Simpson, Council Chair; Dave DeWitte, Vice Chair; Robert Graper; Al French; Leanne Guier; Traci Harvey; Duane Jonlin; Phil Lemley; Doug Orth; Jim Tinner; Eric Vander Mey; Andrew Klein; Rep. Tana Senn</p> <p><u>Staff in Attendance:</u> Tim Nogler, Managing Director; Krista Braaksma; Joanne McCaughan; Peggy Bryden; Dawn Cortez, AAG</p> <p><u>Visitors Present:</u> Daniel Philipp, Sally Mohr, Greg Haynes, Amy Cruver, Mike Groesch, Jan Himebaugh, Tom Carver, Mike Ennis, Jed Scheuermann, Kraig Stevenson, Jeanette McKague, David Burns, Michael Transue, Tonia Sorrell-Neal, Randy Vissia, Darin MacGillvray, David Hanson, Kevin Myre, Bob Loudon, Maureen Traxler, Jon Siu, Tyler Larson, Jerry Hight, Sue Coffman</p> <p>The meeting was called to order at 10:00 a.m. New council members Robert Graper and Andrew Klein introduced themselves.</p>
2. Review and Approve Agenda	The agenda was approved with Tim Nogler noting there would be an item under "Other Business" related to legislation. Tim also mentioned the Chair and staff would be trying out a new time management system today.
3. Public Comment on Items Not on the Agenda	<p>Kraig Stevenson, ICC, reported on a meeting he attended in Portland on cross laminated timber. He felt this is a new technology that needs to be embraced. He also commented on the energy rating index section of the International Energy Conservation Code, which was not adopted by the Council during the last review. There is now a standard out, ANSI RESNET, to help evaluate residential construction and determining ERI numbers.</p> <p>Jan Himebaugh, BIAW, cautioned the Council to ensure an open process was followed for review and update of the Bylaws. She had some concerns on the suggested revisions posted on the website, since it was not indicated this document was a draft.</p> <p>Mike Ennis, AWB, also commented on the Bylaws and Procedural Rules update.</p>
4. Review and Approve Minutes of May 13, 2016	The minutes of May 13, 2016, were approved.
5. Proposed Rulemaking	Tim noted the Council took action on this item at the last meeting, putting in place an emergency rule and directing the staff to file documents for permanent

<i>Fire Alarms in Schools</i>	rulemaking. He just wanted to allow the Council members to take an additional look at the language.
<i>Public Comment</i>	Kraig Stevenson , ICC, noted that Mike Stone, the NEMA representative replacing Joe Andre, had some concerns. Kraig said the Council needs to make sure there was good notification of interested parties.
<i>Motion</i>	Doug Orth moved to direct staff to file the CR102 form for permanent rulemaking. Jim Tinner seconded the motion. The motion carried.
<i>Cannabis Extraction</i>	<p>Steve reported on the TAG activities and recommendations and read aloud the TAG report.</p> <p>Tim Nogler noted Traci Harvey was on the TAG, and several other members were in the audience today. He spoke to one of the minority issues on the use of “extraction area” rather than “extraction room.” Rod Mutch had some concerns, feeling that if “area” was used the entire building would need Class 1 electrical system. Shawn Shepherd also addressed this issue.</p> <p>Traci Harvey said she feels the TAG document is a really good document and addresses many of the problems found in the original language. She also felt the electrical issue confusion would be present regardless of the terminology used in the code.</p> <p>Dave DeWitte asked if there were minority opinions on the CO2 language. Traci responded that CO2 is indeed regulated as a hazardous material. It is included in the hazardous materials section in Section 5 of the IFC, so she feels that the changes in the minority report are not really necessary. She also noted that specific section references were added to Section 3803.</p> <p>Doug Orth asked if the scoping and definition of “process” satisfied the concerns expressed at the hearing last year. Steve felt there was good general consensus. Traci noted that the rule looks at only those items regulated by the fire code. Clipping and hanging to dry would not be regulated under the code, so they are specifically excluded.</p> <p>Duane had some concerns over the definition of “observation.” He felt the definition was missing a section or was just plain not grammatically correct. He had some other quibbles as well. Steve said this engineering section was the section reviewed by the TAG. It could possibly just be taken out. Tim said amendment would be at the discretion of the Council. The goal was to try to remain consistent with the LCB rules. The action needed today is to move this forward as a proposed rule to solicit comments at the hearings. The Council could also adopt this in place of the current emergency rule language.</p>
<i>Public Comment</i>	<p>Daniel Philipp, extractor group, stated he just got the documents yesterday. He feels the rule is discriminatory and exceeds the Council’s legislative authority. It’s discriminatory because you wouldn’t have to comply if you ran the same process with hops rather than marijuana. Also, because the rule states you cannot be within an A-2 occupancy. The restaurant next door has more CO2 and the custom brewery has more ethanol than us. The engineering analysis exceeds the Council’s legislative authority—this would be under L&I or LCB. He also stated he hasn’t had the opportunity to review the small business economic impact report. The rule would have a huge impact on his business.</p> <p>Greg Haynes, TAG member, felt the process was very educational. He felt they did get carried away. This is an ever-growing business that carries lots of stigma but also creates lots of jobs. The Council needs to be thoughtful before adopting</p>

the rules.

Dave Burns, TAG member, said he appreciated the opportunity to work on the TAG. Someone asked if small business would be satisfied. He said yes, although he would feel better if the definition was expanded out to the entire code. He felt the rule developed was much improved over the original draft. He questioned whether Daniel Philipp was looking at the emergency rule language rather than the TAG draft.

Daniel Philipp said he was looking at the new draft.

Jim Tinner agreed that the language was discriminatory and felt the word marijuana should be replaced throughout with agricultural product or something similar.

Motion

Jim Tinner moved to file the drafted TAG language as a proposed rule. **Traci Harvey** seconded the motion.

Al French asked if the terminology were changed, would the process be changed for others. Jim replied the change is mostly psychological.

Doug said he also had concerns in treating the industry differently.

Tim said the staff is still working on the small business economic impact. It will be filed with the CR102 before the public hearings. The filing deadline is August 3.

Traci shared some history on the development of the rule. The LCB rules require an inspection by the local fire department prior to permitting. Each jurisdiction was requiring a different action, from nothing to sky high regulation. This is an attempt to gain some consistency in enforcement and review. They are just like everyone else. The rule lists sections of the code they need to comply with.

Duane Jonlin asked about the restriction in locating next to an A occupancy. Traci said this was in line with other similar uses; however, a fire wall could be used to create a separate building within the same envelope.

The question was called for. The motion carried.

Duane Jonlin moved that the language also be filed as an emergency rule to replace the current emergency rule for extraction. **Dave DeWitte** seconded the motion. The motion carried.

6. Statewide Amendment Proposal

Tim Nogler provided some background on the proposal for parking lot restriping. The first part seeks to amend the ANSI standard. We currently do have a few amendments to the standard. The second request amends the IEBC for existing buildings and adds restriping to the list for a Level 1 alteration.

Steve asked if this was received by the deadline. Tim said yes.

Andrew Klein said looking at the access board website, which is linked on the proposal, it does not apply when maintaining existing striping, just when the lot is reconfigured.

Jim Tinner noted the 2012 IBC includes a maintenance section in 3401.2 which covers striping, but does not call it out specifically. Based on the information on the Access Board website, yes you would have to upgrade, but you would only need to spend 20% of the budget on it, which wouldn't get you very far.

Al felt the threshold for determining the need for restriping was arbitrary and needs to be refined. He had some other challenges with the proposal.

Public Comment

Kraig Stevenson, ICC, felt this needed to be discussed. He felt the 2018 timeline was fine.

<p style="text-align: right;"><i>Motion</i></p>	<p>Robert Louden, proponent, said many lots do not have accessible spaces or do not meet code. There is inconsistency across the state in how restriping is regulated.</p> <p>Duane Jonlin moved to send the proposals to the IBC TAG for review for consideration with the 2018 code. Andrew Klein seconded the motion. The motion carried.</p>
<p>7. Emergency Rule Request</p> <p style="text-align: right;"><i>Public Comment</i></p>	<p>Tim reported there was an amendment approved last year for the 2015 IRC that increased the live load on decks from 40 lbs. to 60 lbs. The rule is scheduled to go into effect on July 1. Several jurisdictions in the Spokane area are asking that amendment be repealed. They feel there is a problem in that all the span and ledger tables are based on a 40 lb. load and users would need to go to other resources to comply with the code. Usually, when there is a failure, it is the connection that is the problem. The proponent of the amendment is aware of the issue and is working on span and connection tables. He is also working on a public comment to ICC for the 2018 code, since the original proposal was voted down by the committee.</p> <p>Jim Tinner said there is some history to the problem. The IBC requires the live load plus 50% on decks, which equals the 60 lb. load, where the IRC just has the 40 lb. load. The original engineering documents specify a 60 lb. load. There is also some confusion between deck and balcony, since there are different loads required but neither term is defined.</p> <p>Duane Jonlin asked how the newly drafted tables would be used. Tim said they could be addressed through an interpretation of the state amendment.</p> <p>Doug questioned the need for something other than the 40 lb. live load specified in the IRC. Jim said there would be an inconsistency if you were forced to go to the IBC to design a home due to the height limitation in the IRC.</p> <p>Al French noted that in his discussions with Randy Vissia, the failures all occurred at the connection, so increasing the live load without amending the tables doesn't solve the problem. Once we have all the tables ready to go, we can go in and make the amendment.</p> <p>Jan Himebaugh, BIAW, said they don't have a huge opinion on the issue but agree the consistency should be there. While they followed the process closely, no one really recalls this discussion at the IRC TAG. She encouraged adoption of the emergency rule until the total package was ready.</p> <p>Kraig Stevenson, ICC, said this just goes to show the codes are a living document.</p> <p>Randy Vissia, Spokane County and representing the proponents of the request, said they are just looking to gain consistency in the code. The span tables were a welcome addition to the code in the 2015 edition and the requirements should be reflected in them.</p> <p>Jon Siu, City of Seattle and WABO, as the original code change proponent, said they did miss the tables. They have a joist span table ready to go and are working on the ledger connection table. They should have them by July 1. Taking the amendment out now would be counterproductive. The load requirement should be consistent with ASCE 7. There is a lot of information not in the code, where you need to reach out to other resources. Not everything should be in the code.</p> <p>Jim asked if the tables could be adopted through emergency rule. Tim said yes, but there is no council meeting scheduled until September. To act on it before that would require a special council meeting. The interpretation could be handled through the committee. Jim asked Randy if an interpretation would suffice until a</p>

	<p>rule could be filed in fall. Randy said yes.</p> <p>Doug expressed concerns in going the interpretation route.</p> <p>Duane said he hates to overrule the TAG recommendations and modify things after the fact. He doesn't feel the emergency rule would be appropriate.</p> <p>Al asked if the tables were developed, does the council have the authority to delay implementation until then? Tim said that is what the emergency rule would do, delay implementation 120 days. To go past that, the Council would need to consider a permanent rule, but there is no language for the tables as yet.</p> <p>Steve and Dawn Cortez shared the RCW constraints of an emergency rule. Steve also outlined the options for dealing with the request—approve, deny or table.</p> <p><i>Motion</i> Al French moved to approve the emergency rule request. Doug Orth seconded the motion.</p> <p>Dave DeWitte felt it didn't meet the criteria for an emergency rule.</p> <p>Dawn Cortez said that if there was a failure because of a connection issue it would be a life safety issue.</p> <p>Eric Vander Mey said there could be a problem if they're designed incorrectly. There is a need for the emergency rule until the table is developed.</p> <p>Duane felt that the emergency rule would decrease the strength of the structure and would therefore not meet the criteria.</p> <p>The question was called for, by roll vote. The motion carried, 8 to 5, with the chair voting aye to provide the necessary majority of council members.</p>
<p>8. Interpretation Request</p>	<p>Krista Braaksma introduced the interpretation request from San Juan County regarding carports. This issue was originally addressed by the Building, Fire and Plumbing Codes Committee in May, but was tabled to obtain more background on the issue. Krista presented her research, saying the language had been a part of the code going back as far as the Council archives extended, so there was not really any information on the original adoption. She also offered various definitions of "carport" from various dictionaries and other jurisdictions.</p> <p>Jim Tinner said he really liked the definition adopted by Honolulu, which states a carport is a private garage which is at least 100 percent open on one side and with 50 percent net openings. This provides the necessary openness intended by the code for fire safety and allows for some design flexibility, and believes it to be the intent of the code and satisfy the question asked by San Juan.</p> <p><i>Motion</i> Jim Tinner moved to revise the answer to read: The intent is that a carport is at least 100 percent open on one side and with 50 percent net openings. Duane Jonlin seconded the motion. The motion carried.</p>
<p>9. Policy and Procedures Update</p>	<p>Tim Nogler took the Council through a PowerPoint presentation. He noted the process is not quite the same as with building codes. The intent is to look at the separate sections one at a time, beginning this month with the statewide amendment process. His intent is to schedule an Executive Committee meeting in July to look at the local amendment and reconsideration processes. The Bylaws would be addressed at the September Council meeting. He clarified that there have been no suggested changes to the Bylaws yet.</p> <p>Dawn Cortez said it was somewhat confusing calling these policies, since they were adopted through the WAC process, which makes them rules. Policies are adopted at the board level. She suggested considering changing the title.</p>

Public Comment

Jan Himebaugh, BIAW. She noted they will also be submitting written comments. She also stressed the need for the process to make sense and have people be able to follow the process. She also suggested that section 020 be written in a more chronological order, since it seems to jump around currently. She also felt there needed to be clarification between the submission period and the adoption period.

Kraig Stevenson, ICC, commented there should be better small business statement availability.

Tonia Neal, Masonry Institute, urged the Council to focus on the TAG process. There should be greater consistency between the various TAGs and better availability of documentation. Agendas should be available earlier and not change prior to the meetings.

Jeanette McKague, Washington Realtors, said she agreed with the previous commenters. She urged the Council to look at how the process worked for the balcony live load issue to improve the process. Dave DeWitte asked if she had any specific suggestions. She did not.

Representative **Tana Senn** suggested the Council look at the 60 day component and consider extending it to eliminate the need for added meetings.

Tim concluded by stating the Council will continue to solicit additional comments through June 30.

10. Budget Update

Tim Nogler, and Keith Williams from the DES Accounting office, provided a financial review of the Council's funds. The Council's average monthly expenditures are about \$50k. OFM requires 60 days of funding in the fund balance, which would then be about \$100k. To go below the 60-day cash balance, there would need to be a request through OFM to spend down the balance. The funding received through the marijuana proviso has allowed the fund balance to remain above the 60-day mark.

Dave DeWitte questioned the \$15k non-discretionary expenditure to DES and what that covered. Tim noted the amount was proportional to the staffing. Keith Williams said this covered items such as accounting, human resources, agency and government administration, etc.

Tim stated that Commerce has agreed to support the Council's fund with additional monies to maintain the current level of staffing through the next fiscal year.

Public Comment

Kraig Stevenson, ICC, said it doesn't seem right that with permit activity straining the resources of local jurisdictions that the Council is not seeing any increase in revenue.

Jan Himebaugh, BIAW, felt this was a good first step in openness, but encouraged the Council to develop a budget.

Council Comments

Duane Jonlin asked if Keith had any explanation of the revenue discrepancy with the fluctuations of the depression. There seemed to be more revenue coming in during the depths of the depression compared to right now. Keith suggested it was connected to the overpayments received from one of the jurisdictions, which was paid back. Those payments artificially inflated the revenue.

The Council briefly discussed residential permitting versus commercial permitting.

Tim said that he has discussed with the state auditor's office getting the Council fund added to their audit list. He also noted staff has reviewed historic reporting

	<p>from individual cities and counties to see if there are any red flags.</p> <p>Doug Orth wanted to address Jan’s comment on developing a budget. The Council does set a budget, does it not? Tim and Keith replied that it does, based on actual expenditures the previous biennium. Tim said it could be made available. Keith also noted there are two additional months of marijuana funding remaining</p>
11. Staff Report / Other Business	<p>Tim said jurisdictions are beginning to go through the adoption process for the 2015 codes and are updating local ordinances. He said that the city of Camas notified the Council they are adopting the sprinkler ordinance. Staff will keep those notices on file, along with any WUIC notices.</p> <p>Tim said the State Fire Marshal’s Office is proposing legislation on recycled oil storage. This is part of the cleanup they have been doing the last few years. It can be reviewed at a future meeting.</p>
12. Adjourn	<p>The meeting was adjourned at 1:00 p.m.</p>

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